IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION **NO. 2113 OF 2004**
IN
SUIT NO. 1739 OF 2004

Mr. Rajendra Nemichand Kothari ...Plff
vs.
Mr. Kulbhushan Gupta and Anr. ....Defnds

W I T H
CHAMBER SUMMONS NO. 810 OF 2004
IN
NOTICE OF MOTION NO. OF 2004
IN
SUIT (L) NO. 1622 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
Raju Jumani .....Applicant

W I T H
CHAMBER SUMMONS NO. 818 OF 2004
IN
SUIT (L) NO. 1622 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
Saraswati Agencies and Anr...Applicant

W I T H
CHAMBER SUMMONS NO. 869 OF 2004
IN
SUIT (L) NO. 1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
M/s. Haravali Investrade P.Ltd....Applicant

W I T H
CHAMBER SUMMONS NO. 870 OF 2004
IN

SUIT (L) NO. 1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
Mr. Kishanlal Ramkumar Bagaria .....Applicant

W I T H
CHAMBER SUMMONS NO. 871 OF 2004
IN
SUIT (L) NO. 1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
Mr. Vijay Chauhan .....Applicant

W I T H
CHAMBER SUMMONS NO. 872 OF 2004
IN
SUIT (L) NO. 1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
Mr. Kedan Sing .....Applicant

W I T H
CHAMBER SUMMONS NO. 886 OF 2004
IN
SUIT (L) NO. 1622 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
Mr. Suraj Chandana .....Applicant

W I T H
CHAMBER SUMMONS NO. 888 OF 2004
IN
SUIT (L) NO. 1703 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
Mr. Fair Deal Exports (P) Ltd .....Applicant

W I T H
CHAMBER SUMMONS NO. 894 OF 2004
IN
SUIT (L) NO. 1703 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.....Defnds
AND
A.B. Corp.Ltd .....Applicant

W I T H
CHAMBER SUMMONS NO. 895 OF 2004
IN
SUIT (L) NO. 1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.......Defnds
AND
M/s. Gaurav Digital .....Applicant

W I T H
CHAMBER SUMMONS NO. 905 OF 2004
IN
SUIT (L) NO. 1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.......Defnds
AND
Studio Link .....Applicant

W I T H
CHAMBER SUMMONS NO.1566 OF 2004
IN
SUIT (L) NO. 1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.......Defnds
AND
M/s. Perfect Pictures .....Applicant

W I T H
CHAMBER SUMMONS NO. 1567 OF 2004
IN
SUIT (L) NO. 1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
M/s. K.B. Pictures and Anr.......Defnds
AND

M/s. Movie Tee Vee Enterprises .....Applicant

W I T H
CHAMBER SUMMONS NO.1000 OF 2004
IN
SUIT (L) NO. 1682 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
Mr. Kulbhushan Gupta .....Defnds

ALONGWITH
SUIT NO.1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
K.B Pictures and Anr. .....Defnds

W I T H
CHAMBER SUMMONS NO. 71 OF 2005
IN
SUIT NO.1730 OF 2004

Shivam Videotech P.Ltd ....Plffs
vs.
K.B Pictures and Anr. .....Defnds

W I T H
NOTICE OF MOTION NO. 1837 OF 2004
IN
SUIT NO. 1730 OF 2004

Shivam Videotech P.Ltd. .....Plffs
vs.
K.B. Pictures and Anr. ....Defnds.

F.E. D'vitre, Sr. Counsel with J.P. Sen and Mr. M. Jamsandekar i/b. R.M. Azim for the plffs in Suit No.1730 of 2004 and in Notice of Motion No.1837 of 2004.

S.R. Saudagar for defendant no.1.

S.K. Shetty i/b. Shetty and Co. for defnd no.2.

Mr. K.K. Tated for plffs in Suit No.1739 of 2004 and for Appellant in Company Petition No. 864 of 2004 and for Applicants in Chamber Summons No. 2113 of 2004, 1789 of 2004, 818 of 2004.

Ms. Snehal Paranjpe i/b. Anil Menon and Co. for the Applicants in Ch/s. No.894 of 2004 and Suit no. 1730 of 2004.

P.G. Vora for the applicants in Ch/s. 895 of 2004.

J.P. Singh with R.K. Midha for the Applicants in Ch/s.1566 of 2004 and Ch/s. 1567 of 2004.

S.R. Saudagar with K.V. Mirza for the Applicants in Ch/s. 886 of 2004 and Ch/s. 905 of 2004.

A.M. Sarogi for the Applicants in Ch/s. 869 of 2004 to 872 of 2004.

N.J. Asrani for the Applicants in Ch/s. 888 of 2004.

R. Narula i/b. Jhangiani Narula and Associates for the Applicants in Ch/s. 810 of 2004.

CORAM: S.U. KAMDAR, J.

DATE : 19TH APRIL, 2005.

P.C. :

1. All these parties in the present chamber summons are claiming to be the financers of the various films particularly 'POLICE FORCE' which has been produced by defendant no.1. By the present chamber summons they are seeking to be added as party defendants to the present suit. In each of the chamber summons either the party is claiming the amount by virtue of the finance agreement and or sale agreement. In some cases the parties are claiming under the decrees passed by this court. All these parties are neither necessary nor proper parties to the present suit and each of the party must file their own suit. They will be entitled to initiate other proceedings also as in the nature of execution of decree. In so far as the other prayer is concerned by the same they are seeking for payment of their claim from the amount which has been deposited in these aforesaid two suits by virtue of the orders passed in

Notice of Motion No.1789 of 2004 and Notice of Motion no. 1837 of 2004. They are claiming that the said amount should be distributed to them as they are the persons having the right to the said amount by virtue of the loan/sale agreement executed by defendant no.1. I have considered the aforesaid application. I find from the various proceedings that the amount deposited is only a sum of Rs.1.23 crores in this court whereas various parties are claiming the amount which is much higher than the amount of Rs.1.23 crores. I made an attempt to satisfy the applicants and pay them proportionately but I find that there is no consensus among the parties to take the amount in their proportion to their claim from the amount deposited in this court. In view thereof it is not possible to distribute the amount to any of the parties as prayed by them. In view thereof I pass the following order.

2. All parties are entitled to take out appropriate legal proceedings for recovery of their respective claim as may be available and permissible in law. All Chamber Summons are disposed off

accordingly. It is made clear that neither of the suits will be withdrawn or settled by the parties to the said suit unless the notice of the said withdrawal and filing of the consent terms are given by the parties to the suit to all the applicants in the various chamber summons.

sd/-

****